

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GENESCO INC.,

Plaintiff,

v.

VISA U.S.A. INC., VISA, INC., AND
VISA INTERNATIONAL SERVICE
ASSOCIATION,

Defendants.

Civil Action No. 3:13-cv-202
Chief Judge William J. Haynes, Jr.

JURY DEMAND

**PLAINTIFF GENESCO INC.'S MOTION FOR LEAVE TO FILE UNDER SEAL
CERTAIN DOCUMENTS IN SUPPORT OF ITS OPPOSITION**

Today, Plaintiff Genesco Inc. ("Genesco") is filing a Brief in Opposition to Defendants' Motion to Compel Plaintiff to Comply with the Court's Prior Orders Concerning Discovery of Remediation Measures and for Sanctions and an Expedited Hearing (the "Opposition"), together with supporting documents. Genesco respectfully moves this Court for leave to file under seal Exhibits 1-4 to the Affidavit of Seth Harrington, filed in support of the Opposition.

REQUEST TO SEAL

1. Paragraph 1 of the Agreed Protective Order entered July 3, 2013 defines Confidential Discovery Material as "documents or information that constitute trade secrets or reveal confidential research, development, business, financial or commercial information; that is subject to any protective order, sealing order, or ruling that prevents or limits a litigant from disclosing such material; that implicates the contractual privacy, or other confidentiality rights of

the Parties or third-parties; or that is otherwise protectable under Federal Rule of Civil Procedure 26(c) or any other applicable rule, statute or common law.”

2. Paragraph 2 of the Agreed Protective Order entered July 3, 2013 states that “Any document containing a summary or recitation of the content of Confidential Discovery Material also shall be deemed to be Confidential Discovery Material.”

3. Paragraph 9 of the Agreed Protective Order entered July 3, 2013 states that “Confidential Discovery Material included in or attached to pleadings or other materials to be filed with the Court shall be filed under seal.”

4. Exhibits 1 and 4 to the Affidavit of Seth Harrington are excerpts of deposition transcripts which have been designated as confidential discovery materials by the parties consistent with the Agreed Protective Order.

5. Exhibits 2 and 3 to the Affidavit of Seth Harrington are documents produced by Genesco in this action, which have been designated as confidential discovery materials consistent with the Agreed Protective Order.

6. These documents are not public and contain confidential business information of Genesco, Inc. Genesco’s interest in maintaining the confidentiality of this confidential business information is a specific, serious and substantial interest which clearly outweighs the general presumption of openness. Sealing these exhibits will have no adverse effect on general public health or safety. These documents are of no immediate interest to the general public. Moreover, the request is narrowly tailored to cover only information for which good cause for filing under seal exists, and no less restrictive means than sealing the exhibit will adequately and effectively protect Genesco’s interests.

CONCLUSION AND REQUEST FOR RELIEF

For all the foregoing reasons, Genesco requests that the Court grant leave to file Exhibits 1-4 to the Affidavit of Seth Harrington under seal. Genesco reserves the right to withdraw these documents if leave is not granted by the Court.

Respectfully submitted,

Dated: May 19, 2014

By: /s/ Overton Thompson III
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served, via the Court's electronic filing system, on the following:

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This 19th day of May, 2014.

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